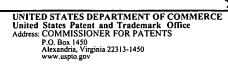


UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICATION NO.	FI	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/801,093	09/801,093 03/07/2001		Sylvia Y. Chen	CS10664	3925	
20280	7590	12/16/2003		EXAMINER		
	MOTOROLA INC 600 NORTH US HIGHWAY 45				OUELLETTE, JONATHAN P	
LIBERTYVILLE, IL 60048-5343				ART UNIT	PAPER NUMBER	
	,			3629		

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) 09/801,093 CHEN ET AL. Advisory Action Examiner **Art Unit** Jonathan Ouellette 3629 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --THE REPLY FILED 10 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] a) The period for reply expires _____months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) \tag{ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. jush The status of the claim(s) is (or will be) as follows: Claim(s) allowed: . JOHN G. WEISS Claim(s) objected to: . SUPERVISORY PATENT EXAMINER

U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03)

10. ☐ Other:

Claim(s) rejected: .

Claim(s) withdrawn from consideration: _____.

8. The drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

TECHNOLOGY CENTER 3600

Part of Paper No. 7

*Continuation of 5. does NOT place the application in condition for allowance because: The Applicant makes the argument that there would be no motivation to combine the prior art of Hall and Hendrey. However, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teaches disclosed by Hendrey in the system disclosed by Hall, for the advantage of providing a method of matchingmaking users based on mobile phone location technology(Hendrey Para 0069-0070)(Hall C2 L41-61, with the ability to increase system effectiveness / marketability by matchmaking a number (one or more) of system users.

Furthermore, the Applicant makes the argument that the prior art diclosed by Hall, fails to teach transmission of a signal based upon a first location being eual to a first predetermined location.

However, as stated in the fial rejection, Hall discloses wherein the service provider receives the location (predetermined location) of the user and furthermore, transmits the order to the local facility (second party) and schedules the completion of the order to coincide with the users arrival at the local facility (Hall: C5 L20-30).